



Richard E. Dunn, Director

EPD Director's Office

2 Martin Luther King, Jr. Drive
Suite 1456, East Tower
Atlanta, Georgia 30334
404-656-4713

MAR 30 2017

Ms. V. Anne Heard
Acting Regional Administrator
U.S. EPA, Region IV
61 Forsyth Street SW
Atlanta, GA 30303

RE: Request to Approve Georgia's Coal Combustion Residuals Permit Program

Dear Ms. Heard,

The Georgia Environmental Protection Division (EPD) is submitting Georgia's Coal Combustion Residuals (CCR) Permit Program for approval and amendments to the Rules for Solid Waste Management, Chapter 391-3-4, for incorporation into Georgia's Solid Waste Management Plan dated 1981. The Water Infrastructure Improvements for the Nation Act (WIIN Act) Title II Subtitle C Section 2301 provides for the approval of state programs for control of coal combustion residuals.

The Georgia Department of Natural Resources Board adopted amendments to the Rules for Solid Waste Management on October 26, 2016, and the amended rules became effective on November 22, 2016. The amendments included a new section (391-3-4.10) entitled Coal Combustion Residuals that apply to owners and operators of new and existing landfills and surface impoundments for CCR generated by the combustion of coal at electric utilities and independent power producers. Other amendments to the rules included new definitions, handling of solid waste permits, public participation, criteria for siting, closure and post closure criteria, groundwater monitoring and corrective action, and measuring and reporting requirements. All of the references contained in the EPD Rules for 40 CFR 257.60 through 257.107 are based on the effective date of October 19, 2015 for the Federal CCR Rule published on April 17, 2015 in the Federal Register.

EPD has performed an equivalency demonstration using the 40 CFR 257 checklist for CCR Landfills, Surface Impoundments & Lateral Expansion Requirements dated February 23, 2017. Based on the side by side comparison of the Federal requirements, EPD demonstrates that the State's CCR permit program is at least as protective as the applicable criteria for CCR units under Part 257 of Title 40, Code of Federal Regulations. EPD has incorporated all of the Federal requirements in the enclosed checklists and has additional requirements that will make it more protective than Part 257. EPD's Rules include requirements for two hundred foot boundaries between the waste disposal boundary and boundary of the permitted facility and five hundred foot buffers between the waste disposal boundary

and any occupied dwelling for new and lateral expansions of CCR units. In addition, EPD is regulating inactive CCR landfills, NPDES – CCR Surface Impoundments, and Dewatered Surface Impoundments, all of which are not included in the Federal requirements. EPD's rule addresses CCR permitting requirements in 391-3-4-.10 (9) Permits. EPD's rule 391-3-4-.10 (10) requires that CCR units meet financial assurance requirements.

As a part of this request, EPD has provided the following documents for review:

- Rules of Georgia Department of Natural Resources Environmental Protection Division Chapter 391-3-4 Solid Waste Management, effective November 22, 2016
- Notes on 40 CFR 257 Equivalency
- 40 CFR 257 Checklist for CCR Landfills
- 40 CFR 257 Checklist for CCR Surface Impoundments

If you or your staff have any questions or need additional documents concerning this request to approve the Georgia CCR Permit Program and to approve the incorporation of the amended Rules For Solid Waste Management effective November 22, 2017 into Georgia's Solid Waste Management Plan, please contact William Cook, Program Manager for the Solid Waste Management Program, at 404-362-4500 or william.cook@dnr.ga.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard E. Dunn". The signature is fluid and cursive, with a large initial "R" and a long, sweeping underline.

Richard E. Dunn
Director

Enclosures

C: Jon Johnston, EPA Region IV
Davy Simonson, EPA Region IV
Jeff Cown, Branch Chief
Beth Blalock, Assistant Branch Chief
William Cook, Program Manager